

CITY COUNCIL AGENDA

MARCH 14, 2006

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:31 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent – Council Members: Campos.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: Campos.
- **Invocation (District 3)**
Pastor Sonny Lara, Star of David Church delivered a prayer.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Matt Morley and Randy Turner for their exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)
Mayor Gonzales and Interim City Manager Les White presented a commendation to General Services Facility Manager Matt Morley and General Services Deputy Director Randy Turner for their exemplary dedication and contributions to the City organization in making the move to the New City Hall swift and seamlessly.
- 1.2 Presentation of a commendation to Marianne Bourgeois for her exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)
Interim City Manager Les White joined Mayor Gonzales to present a commendation to Marianne Bourgeois for her exemplary dedication and contributions to the City organization.

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to Linuxworks for its important contribution to the San José economy. (Mayor/Williams)
Mayor Gonzales and Council Member Williams presented a commendation to Dr. Singh of Linuxworks for its contributions to the City of San José and its economy.
- 1.4 Presentation of a commendation to the League of Women Voters of San José/Santa Clara recognizing the organization's commitment to open and transparent government, both locally and statewide, on the occasion of "Sunshine Week 2006". (Yeager)
Council Member Yeager and Mayor Gonzales presented a commendation to Bobbi Fischler of the League of Women Voters of San José/Santa Clara in recognition of the organization's commitment to open and transparent government and on the occasion of "Sunshine Week 2006".
- 1.5 Presentation of a proclamation declaring the week of March 12-19, 2006 as Irish Week in San José. (Mayor/LeZotte)
Mayor Gonzales and Council Member LeZotte presented a proclamation to the Lord Mayor of Dublin, Ireland Catherine Byrne, and other dignitaries from the Dublin delegation, in declaring the week of March 12-19, 2006 as Irish Week in San José
- 1.6 Presentation of a proclamation to Don Lima for his inspiration and leadership to creating Christmas in the Park, which has become an annual holiday tradition in the City of San José. (Nguyen)
Deferred to 3/21/06
- 1.7 Presentation of a commendation to Clark Williams for his devotion and service to San José's non-profit community, most recently as Interim Director of the Billy DeFrank LGBT Community Center. (Cortese)
Council Member Cortese and Mayor Gonzales presented a commendation to Clark Williams for his devotion and service to San José's non-profit community, most recently as Interim Director of the Billy DeFrank LGBT Community Center.
- 1.8 Special recognitions followed honoring Deputy City Manager Terry Roberts on his retirement, and Director of Parks, Recreation and Neighborhood Services who has accepted a position in Phoenix, Arizona.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.
None.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation:

- (a) ORD. NO. 27667 – Amends Chapter 12.12 of the San José Municipal Code by adding a new section 12.12.200 entitled lobbyist fundraising activity to provide a definition of the term and amending section 12.12.420 entitled additional required information and disclosures.

Ordinance No. 27667 adopted.

2.3 Approval of the 2005 Edward Byrne Memorial Justice Assistance Grant Spending Plan.

Recommendation:

- (a) Approval of the proposed 2005-07 Spending Plan for the 2005 Edward Byrne Memorial Justice Assistance Grant Trust (JAG) Fund.

Approved.

- (b) Adoption of the following 2005-2006 Appropriation Ordinance and Funding Sources Resolution amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:

- (1) Establish the estimate for Earned Revenue in the amount of \$381,780;
- (2) Establish the JAG 2005-07 appropriation to the Police Department in the amount of \$381,780.

CEQA: Not a Project. (City Manager's Office/Police)

(Deferred from 3/7/06 – Item 2.7)

Ordinance No. 27672 adopted.

Resolution No. 73091 adopted.

2.4 Approval of actions related to the spending plans for the Supplemental Law Enforcement Services Fund.

Recommendation:

- (a) Approval of the proposed 2005-07 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund; and,

Approved.

- (b) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the Supplemental Law Enforcement Services Fund (Fund 414) for Fiscal Year 2005-06:

- (1) Establish a SLES Grant 2005-07 appropriation for the Police Department in the amount of \$ 1,363,317;
- (2) Increase the Earned Revenue by \$ 1,363,317.

CEQA: Not a Project. (City Manager's Office/Police)

Ordinance No. 27673 adopted.

Resolution No. 73093 adopted.

2. CONSENT CALENDAR

2.5 Approval to amend the Concession Agreement with Host International, Inc.

Recommendation: Adoption of a resolution:

- (a) Authorizing the City Manager to negotiate and execute a fourth amendment to the Airport Food and Beverage Concession Agreement with Host International (“Host”), Inc. to:
 - (1) Reimburse Host for the utility stub outs and cost of constructing certain improvements and to bring proposed concession spaces into compliance with the fire requirements of the Uniform Building Code for a total amount, to be paid by the City, not to exceed \$60,000; and
 - (2) Add a new concession location and remove one concession location from the Concession Areas operated by Host.
- (b) Authorizing the Director of Aviation to negotiate and execute amendments to the Concession Agreement to:
 - (1) Add or remove concession locations, so long as any additional concession locations are subject to the Concession Fees as set in the Concession Agreement; and,
 - (2) Reimburse Host for any utility infrastructure upgrades for future new Concession Areas at the Airport for a cost not to exceed \$100,000 per new Concession Area.

CEQA: Resolution Nos. 67380 and 71451, PP 05-288. (Airport)

Resolution No. 73092 adopted.

2.6 Approval of fiscal actions for Redevelopment Capital Projects.

Recommendation:

- (a) Adoption of the following 2005-2006 Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
 - (1) Increase the appropriation to the Department of Public Works for the Greater Gardner Street Reconstruction project (PSM 346, Amendment #5) in the amount of \$349,000.
 - (2) Increase the appropriation to the Department of Planning, Building and Code Enforcement for the California Environmental Quality Act (CEQA) Clearance project (PSM 365, Amendment #1) in the amount of \$15,000.
 - (3) Establish an appropriation to the Office of Cultural Affairs for the Public Art for the Starbird Teen Center Project (PSM 408) in the amount of \$27,433.
- Deferred to future date.**

- (4) Establish an appropriation to the Department of Transportation for the Slurry Seal Project (PSM 419) in the amount of \$40,000.

Dropped.

(Item continued on next page.)

2. CONSENT CALENDAR

2.6 Approval of fiscal actions for Redevelopment Capital Projects. (Cont'd.)

Recommendation:

- (a) Adoption of the following 2005-2006 Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
 - (5) Establish an appropriation to the Department of Public Works for the South First Streetscape project (PSM 433) in the amount of \$124,000.
 - (6) Establish an appropriation to the Department of Housing for the Jeanne-Forestdale SNI Housing Rehabilitation Demonstration project – Phase 1 (PSM 434) in the amount of \$250,000.
 - (7) Establish an appropriation to the Department of Public Works for the Mayfair Community Center project (PSM 436) in the amount of \$852,000.
 - (8) Increase the estimate for Earned Revenue by \$1,617,433.

Ordinance No. 27674 adopted.

Resolution No. 73095 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Mayfair Community Center project as more specifically described in the memorandum from the Redevelopment Agency, dated February 1, 2006.

Resolution No. 73096 adopted.

Council Districts 1,3,5 and 10. SNI: Mayfair/Five Wounds/Brookwood Terrace/Blackford/Greater Gardner/Hoffman/Via-Monte. CEQA: See memo. (City Manager's Office)

2.7 Approval to award a contract for the South Bay Water Recycling Program.

Recommendation: Report on bids and award of contract for the South Bay Water Recycling Program (SBWR), SJ-13 SJ/SC Coleman Avenue Connector to the low bidder, Shaw Pipeline, Inc., in the amount of \$756,025 and approval of a contingency in the amount of \$76,000. CEQA: Exempt, File No. PP05-196. Council District 3. (Environmental Services)

Approved.

2.8 Approval to amend an agreement for utility users tax audit services.

Recommendation: Approval of the first amendment to the utility users tax audit services agreement with Tax Compliance Services (TCS) to extend the term for one year, from April 23, 2006 through April 22, 2007, increasing compensation by \$146,000 from \$584,000 to a total contract amount not to exceed \$730,000. CEQA: Not a Project. (Finance)

Approved.

2. CONSENT CALENDAR

2.9 Approval to submit grant applications for the Workforce Housing Reward Program.

Recommendation: Adoption of a resolution authorizing the Director of Housing to:

- (a) Apply for and accept Workforce Housing grants in the estimated amount of \$1,380,450 from the California Department of Housing and Community Development (HCD); and
- (b) Negotiate and execute the grant agreements and any amendments or other documents necessary to implement the programs funded by the Workforce Housing Reward Program grants.

CEQA: Not a Project. (Housing)

Resolution No. 73097 adopted.

2.10 Approval to suspend Park Impact fees for Secondary Units.

Recommendation: Approval of an ordinance suspending the collection of Park Impact fees required by Chapter 14.25 of the San Jose Municipal Code for secondary units permitted under the current one-year Second Unit Pilot Program, to be effective retroactive to January 1, 2006, the date the pilot program commenced, and to expire on December 31, 2006 or upon the issuance of 100 second unit permits, whichever occurs first, consistent with the terms of the Second Unit Pilot Program Ordinance, unless Council by further action amends or extends the proposed ordinance. CEQA: Exempt, PP05-196. (Parks, Recreation and Neighborhood Services/Housing/Planning, Building and Code Enforcement)

Ordinance No. 27675 passed for publication.

Staff directed to provide an info memo to Council outlining the criteria for fee charges. Noes: Chavez.

2.11 Approval to amend a master agreement for development services for various trail projects.

Recommendation: Approval of the first amendment to the master agreement with Callander Associates Landscape Architecture, Inc. for a variety of planning, development and construction support services for various trail projects increasing the total compensation by \$200,000, from \$850,000 for a total agreement amount not to exceed \$1,050,000. CEQA: Not a Project. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

2. CONSENT CALENDAR

2.12 Approval to amend an ordinance related to the storage of vehicles on City streets.

Recommendation: Approval of an ordinance amending Section 11.36.220 of Chapter 11.36 of Title 11 of the San José Municipal Code by adding that the attempted removal of tire markings placed by an authorized City employee and/or if the vehicle has not moved more than one tenth (1/10) of a mile from its original parking space within a period of seventy-two consecutive hours is a violation of the on-street vehicle storage regulation.
CEQA: Not a Project. (Transportation)

Ordinance No. 27676 passed for publication.

2.13 Approval of two appointments to the Project Diversity Screening Committee.

Recommendation: Approval of two appointments to the Project Diversity Screening Committee. (Mayor)

Approved.

2.14 Approval of Silicon Valley Regional Interoperability Project Agreements.

Recommendation:

- (a) Ratification of the Santa Clara County Data Communications Network Joint Funding Agreement as amended through September 1, 2004.
- (b) Approval of Agreement with the City of Mountain View for payment of \$499,900 in UASI Grant Funding for service performed on behalf of the Silicon Valley Regional Interoperability Project.

CEQA: Not a Project. (City Manager's Office)

Approved.

Staff directed to return in late April with a full presentation.

2.15 Acceptance of the Report of Activities and Findings for the Period January 16 through February 15, 2006.

Recommendation: Acceptance of the *Report of Activities and Findings for the Period January 16 through February 15, 2006*. (City Auditor)

The report was accepted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

Recommendation:

- (a) 2005-2006 Proposed Operating Budget Study Sessions dated May 9-18, 2005.
[Deferred from 3/7/06 – Item 3.1(a)]

Deferred to 3/21/06

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - March 1, 2006

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 14, 2006 Draft Agenda
The Committee recommended approval of the March 14, 2006 City Council Agenda with four additions.
 - (2) Add New Items to March 7, 2006 Agenda
The Committee recommended eight additions to the March 7, 2006 City Council Agenda.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's Report.
- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
There was none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Status Report on the Workload Assessment Related to the Increased Fines and Mitigation Efforts for Illegal Tree Removal
The Committee accepted the status report on the workload assessment and directed staff to proceed with taking a formal recommendation to Council to increase fines for illegal tree removals and increase the posting period for potential street tree removals from 7 to 14 days.

SEE ITEM 5.3 FOR COUNCIL ACTION TAKEN

- (h) Open Forum
Bill Chew spoke about his candidacy in District 3.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - March 1, 2006 (Cont'd.) Vice Mayor Chavez, Chair

- (i) Adjournment
The meeting adjourned at 2:36 p.m.

The Rules Committee report and actions of March 1, 2006 were accepted.

3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair None.

3.4 Approval to amend the guidelines for the vending machine contract.

Recommendation: Approval of an amendment to the guidelines for the vending machine contract for the City's Library Department to include provisions for healthy food and drink options. (Yeager)

Approved.

Staff directed to report back to Council with recommendations for similar amendments to the vending machine contracts Citywide.

3.5 Acceptance of a follow-up report on Council Appointee Salaries.

Recommendation: Acceptance of the follow-up report related to Council Appointee salary adjustments and direction to staff as appropriate. (City Manager's Office)

Deferred to 3/21/06.

3.6 Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed.

Recommendation: Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed. CEQA: Not a Project. (City Manager's Office/Public Works)

(Deferred from 2/28/06 – Item 3.4 and 3/7/06 – Item 3.4)

The report was accepted.

Staff directed, as follows:

- (1) **Work with the City Attorney and return with a framework (including critical deal points) for a policy discussion by the Council.**
- (2) **When the matter returns to Council, bring in an actual cabinet/box for Council to inspect.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chirco, Chair

None.

4.2 Report of the Driving a Strong Economy Committee – February 27, 2006

Council Member Williams, Chair

- (a) Small Business Commission Workplan Review
Staff will forward a memo to Council on the decision of the 9th Circuit Court regarding Disadvantaged Business Enterprise (DBE) participation goals for federally funded projects.
- (b) Report on Renter's Insurance
The Committee accepted the status report.
- (c) Catalyst Fund RFP Update
The Committee accepted staff's report.
- (d) Customer Service Center Progress Report
The Committee accepted staff's report.
- (e) Oral Petitions
None.
- (f) Adjournment
The meeting adjourned at 2:50 p.m.

The Driving a Strong Economy Committee report and actions of February 27, 2006 were accepted.

4.3 Approval of an agreement to update GIS maps to include contour and related elevation data.

Recommendation:

- (a) Approval of an agreement for Phase No. 3 for the creation of contour and related elevation data for the County of Santa Clara with the County of Santa Clara and the Santa Clara Valley Water District.

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Approval of an agreement to update GIS maps to include contour and related elevation data. (Cont'd.)

Recommendation:

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute the following Phase No. 3 agreements after the agreement with the County of Santa Clara and the Santa Clara Valley Water District is fully executed and adequate funds are deposited with the City:
 - (1) An agreement with Triathlon, Inc. to provide professional services relating to the creation of a digital terrain model, the generation of contours and the extraction of buildings and top of the creek banks for the County of Santa Clara for a maximum amount of \$1,051,462 from the date of execution to December 31, 2009; and,
 - (2) An agreement with HJW Geospatial, Inc. to provide quality control services in an amount not to exceed \$83,000 from the date of execution to December 31, 2009.

Resolution No. 73098 adopted.

- (c) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax (Fund 465):
 - (1) Increase the Estimate for Earned Revenue by \$461,274 to recognize funding from the Santa Clara Valley Water District and the County of Santa Clara.
 - (2) Increase the Ortho Photo Project Appropriation by \$461,274.

CEQA: Not a Project. (Public Works)

Ordinance No. 27677 adopted.

Resolution No. 73099 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair None.

5.2 Approval of an agreement for the Mayfair Community Center Project.

Recommendation: Approval of an agreement with Field Paoli, Inc. for consultant services for the Mayfair Community Center Project, from the date of execution to June 30, 2009, in a total amount not to exceed \$1,415,155. Council District 5. SNI: Mayfair.
CEQA: Not a Project. (Public Works)

Approved.

5. NEIGHBORHOOD SERVICES

5.3 Approval of actions related to illegal tree removal.

Recommendation:

- (a) Approval of an ordinance to amend Section 13.28.140 of chapter 13.28 of Title 13 of the San José Municipal Code to increase the posting period for potential street tree removals from seven to fourteen days; and
- (b) Adoption of a resolution amending the Administrative Schedule of fines to increase the administrative fines for illegal removal of trees in San José as outlined in the report, and repealing Resolution No. 73004, to be effective March 14, 2006.

CEQA: Not a project. (Transportation/Planning, Building and Code Enforcement)

Deferred to 4/25/06.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair

None.

6.2 Approval of an agreement for security guard services at the Airport.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute a one-year agreement with two one-year options with National Security Industries, Inc. for security guard services at the Norman Y. Mineta San Jose International Airport. Contract period will be April 1, 2006 through March 31, 2007, with the first year compensation not to exceed \$600,000.
- (b) Execute each of the options to renew with compensation adjustments based on the Consumer Price Index without further City Council action other than the appropriation of necessary funding.

CEQA: Not a Project. (Finance)

Resolution No. 73100 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.3 Approval to amend an agreement related to the I-880/Coleman Avenue Interchange Landscape Redesign.

Recommendation:

- (a) Approval of the third amendment to the cooperative agreement between the City of San José and the Santa Clara Valley Transportation Authority for utility relocation as part of the I-880/Coleman Avenue Interchange Project, decreasing the agreement amount by \$300,000 from \$4,000,000 to \$3,700,000.

Approved.

- (b) Adopt the following Appropriation Ordinance amendments to the Building and Structure Construction Tax Fund:

- (1) Decrease Ending Fund Balance by \$300,000.
- (2) Establish an appropriation in the Department of Public Works for the in-house design of the I-880/Coleman Avenue Interchange Landscape Design Project in the amount of \$300,000.

Council District 3. CEQA: Resolution No. 71488, PP03-02-071. (Transportation)

Ordinance No. 27678 adopted.

Staff directed to discuss with CalTrans options for assuring on-going maintenance, including paying the City a fee to maintain highway interchanges.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to amend agreements related to transferring one million gallons of waste water capacity.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to agreements among cities of San Jose, Santa Clara, Milpitas and West Valley Sanitation District to reflect the transfer of one million gallons of wastewater capacity in the San Jose/Santa Clara Water Pollution Plant from West Valley Sanitation District to the City Of Milpitas. CEQA: Not a Project. (Environmental Services)

(Deferred from 2/28/06 – Item 7.2 and 3/7/06 – Item 7.2)

Deferred to 3/21/06.

8. PUBLIC SAFETY SERVICES

8.1 Acceptance of the Annual Review of the impact of Card Room Gambling on Crime.

Recommendation: Acceptance of the report related to the impact of card room gambling on crime in the City of San José for the period July 1, 2004 to June 30, 2005.

CEQA: Not a Project. (Police)

(Deferred from 3/7/06 – Item 8.1)

The report was accepted.

Staff directed to include in the next annual report, a chart of incidents involving arrests.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 4:43 p.m. to consider Item 9.1 in a Joint session.

9.1 Approval of actions related to the acquisition of real properties for the expansion of the Alma Community Center.

Recommendation:

- (a) Adoption of a resolution by the City Council determining that the public interest and necessity require the acquisition of the 25% undivided real property interest owned by Sal Petronio in the real property located at 114 Alma Avenue, in San Jose, California (APN 434-23-143) in the Strong Neighborhoods Initiative - Washington Area, and authorizing the City Attorney to file suit in eminent domain to acquire his undivided real property interest, to apply for an order of possession before judgment and to prosecute the action to final judgment, and authorizing the deposit of \$53,475 in court for possession of his real property from the funds lawfully available.

Resolution No. 73101 adopted.

- (b) Approval by the City Council of a Purchase and Sales Agreement with the Pusateri family, in the amount of \$168,150 plus related closing costs, for the acquisition of 102-104 W. Alma Avenue (APN 434-23-139) for the future expansion of the Alma Community Center.

Approved.

- (c) Approval by the City Council of a Purchase and Sales Agreement with the Petronio sisters, in the amount of \$160,425 plus related closing costs, for the acquisition of their 75% undivided real property interest in 114 W. Alma Avenue (APN 434-23-143) for the future expansion of the Alma Community Center.

Approved.

(Item continued on next page.)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Approval of actions related to the acquisition of real properties for the expansion of the Alma Community Center. (Cont'd.)

Recommendation:

- (d) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to deposit \$328,575, plus related closing costs not to exceed \$20,000 into escrow for the acquisition of 114 and 102-104 W. Alma Avenue, to execute any additional documents necessary to close escrow, and to deposit \$53,475 with the Superior Court in connection with the eminent domain action.

Agency Resolution No. 5672 adopted.

- (e) Adoption by the City Council of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Services for Redevelopment Capital Fund (Fund 450):

- (1) Establish an appropriation to Public Works for the Department of Public Works Real Estate Services - Alma Avenue Acquisition project in the amount of \$15,000.

- (2) Increase the estimate for Earned Revenue for the amount by \$15,000.

Council District: 7. CEQA: Exempt; File No. PP06-006. (City Manager's Office/ Redevelopment Agency)

(Deferred from 2/28/06 – Item 9.2)

Ordinance No. 27679 adopted.

Resolution No. 73102 adopted.

The Redevelopment Agency Board portion of the meeting was adjourned at 4:55 p.m.

- **Closed Session Report**
None.
- **Notice of City Engineer's Pending Decision on Final Maps**
None.
- **Notice of City Engineer's Award of Construction Projects**
None.

- **Open Forum—**
 - (1) **Bill Chew shared information about his candidacy for District 3 and expressed approval for on-line, on-demand videostreaming of Council and Council Committee meetings.**
 - (2) **Ross Signorino expressed support for bringing professional baseball to the City of San Jose, but expressed concerns regarding costs to the City.**
 - (3) **Robert Apgar shared personal observations.**
 - (4) **George Fokos said he was running for Mayor.**
 - (5) **Mark Trout shared religious views.**

- **Adjournment**

The Council of the City of San José adjourned at 5:05 p.m.

JOINT REDEVELOPMENT AGENCY/CITY COUNCIL MEETING

The City Council convened at 5:07 p.m. to consider Item 8.2 in a Joint Session.

8.2 Authorization to submit a grant application to EDA.

Recommendation: Adoption of a resolution by the Redevelopment Agency Board authorizing submission of a grant application to the Economic Development Administration (EDA) of the U.S. Department of Commerce for a grant, in the amount of \$200,000, for the planning and development phase of the proposed Electronic Transportation Development Center and approving a local match in an amount of \$200,000, of which the Agency contribution is a total of \$90,000.
Agency Resolution No. 5674 adopted.

The City Council portion of the meeting adjourned at 5:08 p.m.